

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**ELANDER WOODALL, Individually and
on Behalf of All Others Similarly Situated**

Plaintiff,

v.

**EVERGREEN PACKAGING, LLC AND
PACTIV EVERGREEN, INC.,**

Defendants.

Case No. 1:23-CV-459

Honorable Harry D. Leinenweber

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE THEIR RESPONSE
IN OPPOSITION TO CONDITIONAL CERTIFICATION**

Defendants EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. (hereinafter “Defendants”), by and through their attorneys, move this Court for an extension of time, up to and including December 11, 2023, to file their response in opposition to Plaintiffs’ Motion for Conditional Certification. In support of their Motion, Defendants state as follows:

1. Plaintiffs filed their Complaint on January 25, 2023. [Dkt. 1].
2. On March 2, 2023, Defendants filed a Motion to Dismiss Plaintiffs’ Complaint. [Dkts. 10-11]. With Defendants’ Motion to Dismiss pending, on September 1, 2023, Plaintiffs filed their Motion for Conditional Certification. [Dkts. 16-17].
3. On September 6, 2023, this Court took Plaintiff’s Motion for Conditional Certification under advisement “until the ruling on the outstanding matters;” namely, Defendants’ Motion to Dismiss. [Dkt.19].
4. On October 19, 2023, the Court denied Defendants’ Motion to Dismiss. [Dkt 27].

5. On October 23, 2023, the Court entered the following briefing schedule on Plaintiffs' Motion for Conditional Certification – Defendants' Response due by November 13, 2023, and Plaintiffs' Reply due by November 20, 2023. [Dkt. 28].

6. Defendants respectfully request additional time to complete their investigation into the Plaintiffs' allegations as asserted in the Motion for Conditional Certification and prepare their Response in Opposition.

7. Counsel for Defendants reached out to Plaintiff's counsel to determine whether they opposed Defendants Motion and, as a professional courtesy, offered to provide reciprocal time for Plaintiff to reply to Defendants' opposition. Plaintiff's counsel stated that they would only agree to the extension of time if Defendants agreed to toll the statute of limitations period. Defendants do not see any basis for a tolling of the statute of limitations for this relatively short, routine, extension of time to respond to Plaintiff's Motion for Conditional Certification.

8. This is Defendants' first request for an extension of time and this request for an extension of time is made in good faith and is not sought for the purpose of delay. Granting the requested extension will not unduly prejudice Plaintiffs.

WHEREFORE, Defendants, EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. respectfully requests that this Court grant their Motion and extend the time for Defendants to file their opposition to Plaintiffs' Motion for Conditional Certification, up to and including December 11, 2023.

Dated: October 26, 2023

/s/ John A. Ybarra

By Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on October 26, 2023, he caused a copy of the *Defendants' Motion For Extension Of Time To File Their Response In Opposition To Conditional Certification* to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF system, which sent notification via electronic mail of such filing to the following Counsel of Record:

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/s/ John A. Ybarra

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